

December 6, 2005

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, December 6, 2005 at 6:00 p.m. in the Board Room of the Walton County Government Building, 303 South Hammond Drive, Suite 330, Monroe, Ga. Those present included Chairman Kevin Little, Commissioners Clinton Ayers, Michael Turner, Vickie Gasaway, Lamar Palmer, Gerald Atha and John Robinson, County Clerk Leta Talbird, County Attorney Ken Lander, Personnel Director Karen Fraser, Financial Officer Christie Pickens and Planning Director Mike Martin. A list of citizens and other employees in attendance at this meeting is on file in the auxiliary file under this meeting date.

Probate Judge Greg Adams presented contracts with Southeastern Corrections, Inc. for private probation services for the Probate and Magistrate Courts. (The contracts are considered later in the meeting.)

Chairman Little called the meeting to order at 6:05 p.m. and led those present in the Pledge of Allegiance. Commissioner Ayers opened the meeting in prayer.

Commissioner Turner made a motion to adopt the agenda as presented, with requested additions. Commissioner Ayers seconded the motion. All voted in favor.

Commissioner Gasaway made a motion, seconded by Commissioner Turner, to approve the minutes of the November 1, 2005 and November 3, 2005 Board meetings. All voted in favor.

The Board considered a Tax Assessors Office recommendation to approve a refund for Judy Krieger, which had been table for further information at the November 1, 2005 meeting. County Attorney Ken Lander stated that all of the questions regarding the refund have been addressed and that the refund is proper. Commissioner Gasaway made a motion, seconded by Commissioner Atha, to approve the refund in the amount of \$167.97. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use request to allow a guesthouse for Jeff Prescott. The effected property, located on Bradley Gin Road, is further identified on WC Tax Map C 177, Parcel 56. Chairman Little opened the public hearing on the matter. Jeff Prescott came before the Board in support of the request. There was no one present in opposition to the Conditional Use. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion, seconded by Commissioner Atha, to approve the Conditional Use. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use to allow a gated private drive subdivision for Highgrove Estates, LLC. The effected

property is located on Nunnally Farm Road and is further identified on WC Tax Map C 63, Parcels 79 & 79A. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the request. He referenced an October 6, 2005 letter submitted reserving the applicant's Constitutional rights for the record. There was no one present in opposition to the Conditional Use. Chairman Little closed the public hearing on the matter. Fire Chief Steve Couch addressed fire protection issues regarding the gated private drive. Commissioner Ayers made a motion to approve the Conditional Use. He then amended his motion to approve the Conditional Use with the condition that a 20-ft. wide utility easement will be dedicated to the Water Authority for access and maintenance. Commissioner Atha seconded the motion. All voted in favor.

Commissioner Robinson made a motion, seconded by Commissioner Turner, to approve withdrawal of a Conditional Use request to allow a gated private drive subdivision for Rowe Road, LLC, at the request of the applicant. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Conditional Use to allow a gated private drive subdivision for Bradley Gin, LLC. The effected property is located on Bradley Gin Road and is further identified on WC Tax Map C 177, Parcels 52 & 53. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the request. He referenced a December 6, 2005 letter reserving the applicant's Constitutional rights for the record. There was no one present in opposition to the Conditional Use. Commissioner Palmer made a motion to approve the Conditional Use with the condition that a 20-ft. wide utility easement will be dedicated to the Water Authority for access and maintenance. Commissioner Atha seconded the motion. All voted in favor.

Commissioner Ayers made a motion to approve a Planning Commission recommendation to accept withdrawal of a rezone request for Chester Clegg – Grady Smith Road. Commissioner Atha seconded the motion; voted and carried unanimously.

Commissioner Atha made a motion to approve a Planning Commission recommendation to accept withdrawal of a Land Use amendment and rezone for H. L. Harris Family Partnership, LLC – Ga. Hwy. 11. Commissioner Palmer seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from B-1 to B-3 Greg Allen. The effected property is located at 4999 Bold Springs Road and is further identified on WC Tax Map C 58, Parcels 101 & 102. The purpose of the request is to rezone 2.21 acres for a wrecker service and major auto repair. Chairman Little opened the public hearing on the matter. Greg Allen came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion, seconded by Commissioner Robinson, to approve the rezone. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Land Use designation change from high density residential to commercial and a rezone from R-1 to B-2 for Mark S. Myers. The effected property, containing 1.01 acres, is located at 2130 Ga. Hwy. 81 South and is further identified on WC Tax Map C 51, Parcel 156. The purpose of the request is for a Real Estate and Loan Office. Chairman Little opened the public hearing on the matter. Mark Myers came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the Land Use designation change and the rezone. Commissioner Ayers seconded the motion. Commissioner Turner amended his motion to include approval of a variance on the existing structure reducing the transitional buffer from 50 ft. to 14.4 ft. Commissioner Ayers seconded the amended motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a Land Use designation change from office professional to commercial and rezone from A-2 to B-2 for a Chiropractic Business for Alcovy Sports & Family Chiropractic. The effected property, containing 1.00 acre, is located at 1185 Ga. Hwy. 138 and is further identified on WC Tax Map C 95, Parcel 2. Chairman Little opened the public hearing on the matter. David Willett, representing the applicant, came before the Board in support of the request. Mr. Willett stated that due to concerns of the neighbors in the area, the applicant is requesting the Board approve the rezone from A-2 to O- I rather than B-2 as requested in the original application. Mr. Willett read aloud proposed special conditions on the property. The minimum setback requirements will be identical to B-2 zoning requirements, conditional use limited to medical type service or business, and structure to be limited to two stories above grade. He requested the Board approve a variance for the front setback requirement to accommodate parking. Jerry Rowe, whose parents' land backs up to the effected property, came before the Board stating that he has no objection to the new request assuming that the O-I restrictions on lighting will be required. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve the rezone to O-I with the conditions that the use will be limited to medical, that the building will be limited to two stories above ground, that exterior lighting will be hooded high pressure sodium directed internally to the property. He further moved to approve a variance that will go with the new ordinance amendment with the setback for parking on the front of the property. Commissioner Gasaway seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from A-2 to A-2 with Open Space Conservation Overlay for Ronnie Hodges. The effected property is located on Alcovy Station Road and County Line Road and is further identified on WC Tax Map C 81, Parcels 54 & 46. The purpose of the request is to rezone 53.190 acres for a subdivision. Chairman Little opened the public hearing on the matter. John Brewer, representing the applicant, came before the Board in support of the request. Pam Ford and Joe Willis spoke in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Gasaway made a motion to approve the rezone. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from R-1 RND to R-1 with Open Space Conservation Overlay for West Walton Properties. The effected property is located on H.D. Atha Road and is further identified on WC Tax Map C 76, Parcel 36. The purpose of the request is to rezone 58.870 acres for a subdivision. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the request. He referenced an October 3, 2005 letter reserving the applicant's Constitutional rights for the record. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Gasaway made a motion, seconded by Commissioner Turner, to approve the rezone. Commissioners Ayers, Turner, Gasaway, Palmer and Atha voted in favor. Commissioner Robinson opposed the motion due to the impact on the schools' ability to house students. The motion carried 5-1.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 & A-2 to R-1 with Open Space Conservation Overlay for John D. Thompson & Robert W. Ridgeway. The effected property, owned by Walton Land Associates, is located on Youth Monroe Road and is further identified on WC Tax Map C 62, Parcel 87. The purpose of the request is to rezone 242.52 acres for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Don Osborne, representing the applicant, came before the Board in support of the rezone. Mr. Osborne reserved the applicant's Constitutional rights for the record. Mr. Osborne presented a plat of the property for the Board's review. Planning Director Mike Martin stated that the parkway may be required to be extended to lots 14 & 179, as shown on the plat. Mr. Osborne stated that a study is being conducted to locate unmarked graves on the property and that the graves will be marked off and segregated. He stated that the property is located next door to an operational farm and the applicant has agreed to put that information on the deed. There was no one present in opposition to the rezone. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone with the condition that the parkway is extended to the first 4-way intersection within the subdivision and that a provision is placed on the plat that the property next to the development is an active farm and subject to odors. He further conditioned approval of the rezone on the site distance being clarified and if it does not meet the requirements, the development cannot go in. Commissioner Turner seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer and Atha voted in favor of the motion. Commissioner Robinson opposed the motion. The motion carried 5-1.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to A-1 with Open Space Conservation Overlay for with a conditional use for a gated private drive subdivision for Meridian Development Corporation. The effected property, owned by April McWaters, is located on Rowe Road and is further identified on WC Tax Map C 75, Parcels 145 & 145A. The purpose of the request is to rezone 39.81+/- acres for a residential subdivision with a conditional use for a gated private drive subdivision. Chairman Little opened the public hearing on the matter.

Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the request. Mr. Rosenthal reserved the applicant's Constitutional rights for the record. There was on one present in opposition to the rezone and conditional use. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion, seconded by Commissioner Turner, to approve the rezone and conditional use. Commissioners Ayers, Turner, Gasaway, Palmer and Atha voted in favor. Commissioner Robinson opposed the motion. The motion carried 5-1.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 & R-1 OSC to R-1 with Green Space Overlay for A. Fortner Construction. The effected property, owned by Ronnie & Shirley Smith and Larry & Elaine Rainey, is located on Hudson Road & Richmond Place. The property is further identified on WC Tax Map C 34, Parcels 2, 3 Split, 4 Split, 7, 8, 9, 10 & Map N34B, Parcel 68. The purpose of the request is to rezone 83.94 acres for a residential subdivision. Chairman Little opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the request. He referenced a November 3, 2005 letter reserving the applicant's Constitutional rights for the record. Derrick Bowen of the Richmond Place Homeowners Association spoke in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone. Commissioner Atha seconded the motion. Commissioners Ayers, Turner, Gasaway, Palmer and Atha voted in favor of the motion. Commissioner Robinson opposed the motion. The motion carried 5-1.

The Board considered a Planning Commission recommendation to deny a Land Use designation change from commercial & high density residential to Office/Professional and Commercial and a rezone from R-1 & O-I to O-I and B-2 conditional for Fizco Limited. The effected property is located on Ga. Hwy. 20 and is further identified on WC Tax Map C 1, Parcel 18. The purpose of the request is to rezone 5.75 acres to O-I for daycare and office/retail and 3.30 acres to B-2 conditional for mini warehouse and office/warehouse with resident manager dwelling. Chairman Little opened the public hearing on the matter. Greg Kecko, representing the applicant, came before the Board in support of the request. Mr. Kecko showed pictures of homes that are no longer in conformance with the area. He also showed pictures as examples of proposed structures for the development. He stated that the development would offer convenient services for the area and make a positive impact on the neighborhood. Lamar Dalton, John Straut, Jeanie Moon and Gerald Moon spoke in opposition to the request. Chairman Little closed the public hearing on the matter. Commissioner Ayers stated that this is a residential community by and large. Commissioner Ayers made a motion to deny the Land Use change, which in essence makes the rezone moot. He further moved to apply the following conditions to the O-I portion of the property: 6-ft. high wooden privacy fence from Hwy 20 back 300 ft. on both the northern and southern property lines, 5 gallon Leyland cypresses to be planted on 6-ft. centers on the northern and southern property lines both 300 ft. back from the highway, 50-ft. undisturbed buffer be maintained from the edge of the spring, exterior lighting will be kept to a minimum and pointed inward on

the property and it should be turned out no later than 9:00 p.m. at night, with only one or two lights as necessary of 400 watts or lower left on for security purposes, maintenance of all buffers, trees and fences will be noted on the deed as being the responsibility of the property owner and there will be no free standing signage. Commissioner Robinson seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve an amendment to the Walton County Land Development Ordinance Article 11, Part 7 – Noise Limitations. Commissioner Robinson made a motion to approve the amendment. Commissioner Gasaway seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve an amendment to the Walton County Land Development Ordinance as per errata sheet dated 10-7-05, removing the last sentence. Commissioner Turner made a motion to approve the amendment as requested. Commissioner Gasaway seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion, seconded by Commissioner Atha, to accept right of way on the following roads: Poppyfield Farm Subdivision – Poppyfield Drive & Mulberry Creek Drive. All voted in favor.

The Board considered a request to name County Road 159 Cedar Glen. Joe & Jan Willis came before the Board in support of the request. Commissioner Gasaway made a motion, seconded by Commissioner Robinson, to approve County Road 159 being named Cedar Glen. All voted in favor.

Commissioner Robinson made a motion to approve withdrawal of a request to waive paving requirements for David Willett on Thompson Mill Road, at the request of Mr. Willett. Commissioner Atha seconded the motion; voted and carried unanimously.

At 7:30 p.m., the Board briefly recessed.

At 7:42 p.m., Chairman Little called the meeting back to order.

Chris Kumnick of the Walton County Environmental Health Department, Charna Parker of the Planning & Development Office and Planning Director Mike Martin addressed those in attendance who had concerns and questions regarding a structure built on the Still property located on Moina Michael Road. No action was taken on the matter.

Financial Officer Christi Pickens presented contracts & budgeted purchases of \$2,500.00 or greater for the Board's consideration. Also included in the request was acceptance of bids for Police Interceptors for the Sheriff's Department. Commissioner Turner made a motion to approve contracts and purchases as presented, including acceptance of a bid for (5) 2006 Ford Crown Victoria Police Interceptors in the amount of \$94,655.00 from Akins Ford. He further moved to approve a budget amendment for the Sheriff's

Department HEAT grant for the purchase of the aforementioned vehicles. Commissioner Gasaway seconded the motion. All voted in favor.

Commissioner Turner made a motion to approve payment of the County Attorney's monthly invoice. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Ayers made a motion, seconded by Commissioner Atha, to approve the following refunds as recommended by the Tax Assessors Office: Mrs. C.E. Parker, Sr. Estate - \$462.90, Moore Investment Group, LP (Cobb) - \$3,244.83, Joan E. Evans - \$684.56, Georgia General Centers, LLC - \$505.80, Phil & Joanne Needham - \$155.63 and HEA Urban, LLC - \$567.29. All voted in favor.

Personnel Director Karen Fraser presented employee new hires, promotions and transfers for the Board's approval, for the record. Commissioner Ayers made a motion, seconded by Commissioner Turner, to approve new hires, promotions and transfers as presented. All voted in favor.

Sheriff Joe Chapman requested approval of the position of Chief Deputy. Personnel Director Karen Fraser presented the proposed job description and salary information. Commissioner Ayers made a motion, seconded by Commissioner Gasaway, to approve the request. Commissioner Ayers, Gasaway and Palmer voted in favor of the motion. Commissioners Atha, Robinson and Turner opposed the motion. Chairman Little voted in favor of the motion. The motion carried 4-3.

Ms. Fraser updated the Board on an increase in fees for the CorpCare Employee Assistance Program. No action was taken on the matter.

Ms. Fraser presented the Employee Benefits Committee recommendation for the 2006 employee holiday schedule. Commissioner Robinson made a motion to approve the schedule as recommended. Commissioner Turner seconded the motion. All voted in favor.

Commissioner Turner made a motion to accept a 1996 Toyota Tercel Sedan from a drug seizure for use by the Sheriff's Department. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered an intergovernmental agreement with the City of Social Circle for assistance in cleaning silt out of the sedimentation pond at the City's water treatment plant. Commissioner Palmer made a motion to approve the agreement. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a maintenance agreement with Flagship GIS, Inc. for services associated with maintaining and expanding the County's GIS Mapping System. Commissioner Robinson made a motion to approve the contract contingent upon

negotiation of the hourly fee. Commissioner Ayers seconded the motion. All voted in favor.

Commissioner Gasaway made a motion, seconded by Commissioner Turner, to approve Department of Juvenile Justice Purchase of Services contracts with Greg Bullock and Kirk McLeroy. All voted in favor.

The Board considered a Scoreboard Agreement with Atlanta Coca Cola Enterprises, Inc. for Felker Park. After discussion regarding competitive pricing for Coke products, Commissioner Ayers made a motion to table a decision on the matter. After further discussion, Commissioner Ayers rescinded his motion. Commissioner Atha made a motion to approve the contract contingent upon language regarding competitive pricing being included as an exhibit to the contract. Commissioner Turner seconded the motion. All voted in favor.

The Board considered contracts with Southeastern Corrections, Inc. for private probation services for the Probate and Magistrate Courts. Commissioner Turner made a motion to approve the contracts. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered an agreement with ThyssenKrupp Elevator Corporation for maintenance of the elevators in the Government Building. Commissioner Turner made a motion, seconded by Commissioner Gasaway, to approve the agreement. All voted in favor.

The Board discussed the need to appoint a private sector representative to the Action, Inc. Board of Directors. Commissioner Ayers made a motion to advertise the appointment for interested candidates. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered 2006 Alcoholic Beverage License applications. Commissioner Turner made a motion to approve 2006 licenses as presented. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a request for issuance of a 2005 temporary Alcoholic Beverage License for Sheryl Price – Maxie Price's Maxi Mart. Commissioner Ayers made a motion to deny the request. Commissioner Robinson seconded the motion. All voted in favor.

Facilities Manager Joyce Chambers and representatives from Alltel addressed concerns with problems associated with the telephone system in the Government Building. No action was taken.

Commissioner Robinson presented a Certificate of Recognition to Facilities Manager Joyce Chambers for outstanding support to the Walton County Schools.

Sheriff Joe Chapman requested the Board declare surplus a fingerprinting machine that is no longer in use and to authorize him to offer the machine to Jenkins County. Commissioner Robinson made a motion to declare the fingerprinting machine surplus and to authorize the Sheriff to dispose of it as requested. Commissioner Gasaway seconded the motion. All voted in favor.

The Board considered actions taken by the Walton County Water & Sewerage Authority at its 11/29/05 and 12/5/05 meetings. Commissioner Turner made a motion to ratify the Authority's actions at the aforementioned meetings. He further moved to table decisions on the proposed lease and transfer agreement, proposed salary structure for the Water Authority acquisition and the proposed Walton County Water Department FY 2006 Operating and Capital budget until the January 3, 2006 meeting. Commissioner Palmer seconded the motion. All voted in favor.

At 9:30 p.m., Commissioner Turner made a motion, seconded by Commissioner Gasaway, to enter into executive session to discuss legal matters, personnel issues and land acquisition. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor.

At 10:48 p.m., Commissioner Ayers made a motion, seconded by Commissioner Gasaway, to return to regular session. Commissioners Ayers, Turner, Gasaway, Palmer, Atha and Robinson voted in favor. No votes were taken while in executive session.

At 10:49 p.m., Commissioner Ayers made a motion, seconded by Commissioner Atha, to adjourn the meeting. All voted in favor.

All documents of record for this meeting are on file in either the addendum book or auxiliary file under this meeting date.

KEVIN W. LITTLE, CHAIRMAN

LETA P. TALBIRD, CLERK

CLINTON AYERS, DISTRICT 1

MICHAEL TURNER, DISTRICT 2

VICKIE M. GASAWAY, DISTRICT 3

LAMAR PALMER, DISTRICT 4

GERALD ATHA, DISTRICT 5

JOHN ROBINSON, DISTRICT 6